THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.25104 OF 2006

Date: 04-12-2006

Between:
Kukatpally Ashok, s/o Sri K.Balraj,
Rep. By registered G.P.A. Syed Ameer Quadri,
S/o late Syed Ismail, aged 49 years,
Occ: business, r/o Flat No.112, Bharadwaja
Apartments, Gaddiannaram, Dilsukhnagar,
Hyderabad and another.

... Petitioners.

And

1. The Commissioner,
   Municipal Corporation of Hyderabad,
   Tank Bund Road, Hyderabad and another.

... Respondents.

* * *

ORDER:

The matter is coming up for admission. Heard Sri Mirza Safiulla Baig, learned counsel representing the writ petitioner and Sri Rama Rao Ghanta, learned Standing Counsel, representing the respondents.

2. The writ petition is filed for a writ of Mandamus declaring proposed action of respondents in demolishing the premises bearing Nos.16-11-16/L/3 and 16-11-16/L/4, situated at Teegalguda, Saleemnagar, Hyderabad, without following due process of law, as illegal, arbitrary, violation of principles of natural justice and Article 21 and 300-A of Constitution of India and

pass such other suitable orders.

3. Several factual details are narrated in paragraphs 2, 3, 4, 5 and 6 of the affidavit filed in support of the writ petition. The petitioner is claimed to be the owner and being in possession of the subject matter of the writ petition. The main grievance of the petitioner is that the respondents are contemplating to proceed with demolition activity in relation to the subject matter of the writ petition without following due process of law.

4. It is needless to say that the respondents are bound to follow due process of law in case they are interested in proceeding with the demolition activity in relation to the subject matter of the writ petition.

5. In view of the same, the writ petition is disposed of directing the respondents not to resort to demolition activity in relation to the subject matter of the writ petition unless the respondents follow due process of law.

6. Accordingly, the writ petition is disposed of. No order as to costs.

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P.S.NARAYANA, J.

Date: 04th December 2006.

Note:
Issue CC by tomorrow.

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